

REMARKS

Claims 1, 2, and 6-14 are presented for consideration, with Claims 1 and 14 being independent. Claims 1 and 14 have been amended herein. Support for the amendments can be found throughout the originally filed disclosure, including for example, at paragraphs [0073] and [0094] of the specification. Thus, Applicant submits the amendments present no new matter.

Claims 1, 2, 6-9, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,963,722 (Matsumoto, et al.) in view of U.S. Patent No. 4,905,979 (Limbach, et al.). Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto, et al. in view of Limbach, et al., and further in view of U.S. Patent No. 5,289,251 (Mandel, et al.). Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable Matsumoto, et al. in view of Limbach, et al., Mandel, et al., and further in view of U.S. Patent No. 6,382,614 (Fukatsu). These rejections are respectfully traversed.

Claim 1 relates to a sheet processing apparatus. The apparatus comprises a sheet conveying means for conveying sheets and a first loading means for loading a sheet bundle comprising a plurality of sheets conveyed by the sheet conveying means. First and second lateral aligning means are provided for aligning opposite side edges of the sheet bundle loaded on the first loading means in a direction perpendicular to a sheet conveying direction by moving between retreat positions out of contact with the sheet bundle and lateral aligning positions in contact with the sheet bundle. The sheet processing apparatus further includes stapling means for performing a stapling treatment with respect to a sheet bundle aligned by the first and second lateral aligning means, and sheet bundle conveying means for conveying a sheet bundle stapled

by the stapling means. The sheet processing apparatus still further comprises second loading means for loading sheet bundles conveyed by the sheet bundle conveying means. A loading position control means is provided for controlling the time at which the first and second lateral aligning means move from their aligning positions to their retreat positions for each sheet bundle in loading sheet bundles to be loaded onto the second loading means to displace the loading positions on the second loading means of succeeding sheet bundles from each other along the sheet conveying direction. In the sheet processing apparatus, the first and second lateral aligning means move together.

Independent Claim 14 also defines a sheet processing apparatus. The apparatus of Claim 14 comprises sheet conveying means for conveying sheets, and first loading means for loading a sheet bundle comprising a plurality of sheets conveyed by the sheet conveying means. A lateral aligning means is provided for aligning opposite side edges of the sheet bundle loaded on the first loading means in a direction perpendicular to a sheet conveying direction, and stapling means is provided for performing a stapling treatment with respect to a sheet bundle aligned by the lateral aligning means. The sheet processing apparatus further comprises a sheet bundle conveying means for conveying a sheet bundle stapled by the stapling means, a second loading means for loading sheet bundles conveyed by the sheet bundle conveying means. A loading position control means is provided for controlling the speed of the sheet bundle conveying means in loading each sheet bundle to be loaded onto the second loading means to displace the loading positions of succeeding sheet bundles from each other along the sheet conveying direction.

The Office Action finds Matsumoto, et al. discloses a sheet processing apparatus that comprises sheet conveying means 78, 79, 80, 118, and 415, a first loading means 421X, first and second lateral aligning means 412, a stapling means 419, sheet bundle conveying means 421, and a second loading means 411. The Office Action further finds Matsumoto, et al., discloses a loading position control means for controlling the times at which the first and second lateral aligning means 412A and 412B move from their aligning position to their retreat position for each sheet bundle in loading sheet bundles to be loaded onto the second loading means 411 to displace the loading positions on the second loading means 411 of succeeding sheet bundles.

The Office Action admits Matsumoto, et al. fails to disclose sheet aligning displacement along the sheet conveying direction. To cure this deficiency, however, the Office Action cites Limbach, et al. as disclosing a device for stacking sheet material wherein sheet bundles are loaded so as to be displaced from each other in the sheet conveying direction. The Office Action, therefore, concludes it would have been obvious to one of ordinary skill in the art to modify the device of Matsumoto, et al. to include an apparatus to displace successive sheet bundles exiting from the apparatus in the sheet conveying direction as taught by Limbach, et al.

Applicant respectfully traverses the finding that it would have been obvious to one of ordinary skill in the art to combine the teachings of Limbach, et al. with Matsumoto, et al. so as to result in a sheet processing apparatus as recited in independent Claim 1 of the present application.

Initially, Applicant notes the devices of Matsumoto, et al. and Limbach, et al. use completely different mechanisms to displace the loading positions of sheet bundles. Matsumoto,

et al. uses horizontally movable aligning plates 412A and 412B to displace the loading positions. See, e.g., Fig. 7 and col. 11, ll. 25-30. On the other hand, Limbach, et al. uses a vertically movable stop 2 in order to obtain achieve different loading positions. See Figs. 1-3 and col. 3, ll. 28-59. In view of these completely different mechanisms, Applicant submits merely substituting the vertical moving stop of Limbach, et al. for the aligning plates of Matsumoto, et al. would not result in an apparatus configured as defined in independent Claim 1. If the vertical moving stop 2 of Limbach, et al. were placed at the position of the aligning plates 412A and 412B of Matsumoto, et al., the device would not act to “displace the loading position on the second loading means of succeeding sheet bundles from each other along the sheet conveying direction” as recited in Claim 1 of the present application. Moreover, the resulting structure of Matsumoto, et al. would then not comprise “first and second lateral aligning means” as recited in Claim 1.

Nor is there any other apparent position within the structure disclosed by Matsumoto, et al. to include a vertically moving stop like that disclosed by Limbach, et al., so as to enable the device to displace the loading positions of successive sheet bundles from each other along the sheet conveying direction. For example, the vertical moving stop of Limbach, et al. could not be used in the conveying path of the device of Matsumoto, et al., as the sheets would then be blocked from actually traveling along the conveyance path, thereby rendering the device of Matsumoto, et al. useless.

Applicant further respectfully submits that the Office Action’s assertion of a motivation to combine Matsumoto, et al. and Limbach, et al. is not correct. The Office Action finds it would have been obvious to one of ordinary skill in the art to combine the two references

because the size of the second loading means could be made smaller in the lateral direction and elongated in the conveying direction. In Applicant's view, however, the incorporation a vertically movable stop such as that taught by Limbach, et al. would only result in a more complex device, which would necessarily have to be larger in size to allow for the movement of the vertically moving stop. As such, the motivation to combine Matsumoto, et al. and Limbach, et al. is not found within the references, but rather must be based only on impermissible hindsight.

In sum, the combination of Matsumoto, et al. and Limbach, et al. cannot be said to suggest "first and second lateral aligning means for aligning opposite side edges of the sheet bundle loaded on the first loading means in a direction perpendicular to a sheet conveying direction by moving between retreat positions out of contact with the sheet bundle and lateral aligning positions in contact with the sheet bundle" in combination with a "loading position control means for controlling a time at which the first and second lateral aligning means move from their aligning positions to their retreat positions for each sheet bundle in loading sheet bundles to be loaded onto the second loading means to displace the loading positions on the second loading means of succeeding sheet bundles from each other along the sheet conveying direction" as recited in amended independent Claim 1.

With respect to independent Claim 14, the Office Action finds Matsumoto, et al. discloses a sheet bundle conveying means 421 controlled as to when the sheet bundle is ready to be moved to the second loading means 411, and thus the Office Action finds the speed of the sheet bundle conveying means is controlled by a controller.

Applicant respectfully submits, however, that even if the Office Action is correct in finding that Matsumoto, et al. discloses a controller for controlling the speed of the sheet bundle conveying means, Matsumoto, et al. still cannot be understood to teach or suggest a loading position control means as recited in independent Claim 14. Nothing in the disclosure of Matsumoto, et al. teaches, or even suggests, controlling the speed of the sheet conveying means so as to achieve displacement of the loading position of succeeding sheet bundles from each other along the sheet conveying direction.

Applicant further submits that assuming, *arguendo*, Matsumoto, et al. disclosed some sort of speed control for the sheet bundle conveying means, the reference would still not teach or suggest displacement of the loading positions of succeeding sheet bundles from each other along the sheet conveying direction. As noted above, Matsumoto, et al. discloses aligning plates 412A and 412B to displace the loading position of the sheet bundles in a direction generally perpendicular to the conveying direction. Nothing in the reference teaches or suggests displacement of the loading positions of succeeding sheet bundles from each other along the sheet conveying direction

In sum, Matsumoto, et al. does not teach or suggest a “loading position control means for controlling the speed of the sheet bundle conveying means in loading each sheet bundle to be loaded onto the second loading means to displace the loading positions of succeeding sheet bundles from each other along the sheet conveying direction” as recited in independent Claim 14.

Applicant also submits Limbach, et al. does not cure the deficiencies of Matsumoto, et al. Specifically, Limbach, et al. does not teach or suggest a loading position control means as recited in Claim 14. Therefore, the combination of Matsumoto, et al. and Limbach, et al. would not render obvious to one of ordinary skill in the art a sheet processing apparatus as recited in independent Claim 14.

For at least these reasons, Applicant submits independent Claims 1 and 14 recite sheet processing apparatuses that are not suggested by the combination of Matsumoto, et al. and Limbach, et al.

Applicant also submits the secondary references Mandel, et al. and Fukatsu do not cure the deficiencies of Matsumoto, et al. and Limbach, et al. For example, neither Mandel, et al. nor Fukatsu teaches or suggests a loading position control means as recited in independent Claims 1 and 14.

Dependent Claims 2 and 6-13 set forth additional features of Applicant's invention. Independent consideration of the dependent claims is respectfully requested.

Applicant also notes the other references made of record, but not relied upon, in the Office Action. U.S. Patent No. 5,007,625 (Kremers) discloses, *inter alia*, a tray 106 to offset and load a sheet bundle. U.S. Patent No. 6,231,029 (Chung) discloses, *inter alia*, a structure for moving an upper tray 33 to offset and load a sheet bundle. U.S. Patent No. 5,447,298 (Watanabe) discloses, *inter alia*, sheet bundle holding members 446. U.S. Patent No. 6,357,743 (Endo) discloses, *inter alia*, using moving members 51A and 51B to offset and load a sheet bundle. U.S. Patent No. 5,098,074 (Mandel) discloses retaining fingers 77. U.S. Patent No.

5,848,325 (Muramatsu) discloses, *inter alia*, a structure for displacing a sheet bundle along a sheet-conveying direction to load the sheet bundle. Applicant submits that while these references may be pertinent to the present application as found in the Office Action, none of these references alone, or in combination with any other the other references of record, teaches or suggests a sheet processing apparatus as recited in the claims of the present application. For example, none of these references teaches or suggest a loading position control means as recited in independent Claims 1 and 14.

In view of the foregoing, Applicant submits withdrawal of the rejections set forth in the Office Action is in order, and allowance of the present application deemed in order. Such action is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the below-listed address.

Respectfully submitted,

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